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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,992	05/06/2002	Marc Saelen	10541-930	9884

29074 7590 11/13/2006

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EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/019,992

Applicant(s)

SAELEN ET AL.

Examiner

Kenneth E. Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 and 24 is/are allowed.
- 6) ☒ Claim(s) 19-22, 25-28, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19,25-28 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Bitzel '211, who shows a method of cutting planiform pieces that could be used as automobile trim.

Bitzel shows several tool species that meet the claims. For example, the punch tool of figure 16 has a first cutting means (s3) that cuts an arcuate apex as seen in the upper left part of figure 16 and also a straight section. Also shown is a second cutting means (immediately above s3) that has a straight edge and overlaps the first cutting means. There is also a third cutting means (s2) for cutting another straight portion that overlaps slightly with the first cutting means.

In regards to claim 28, the support portion is best seen in figure 1.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-22,25-28,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bitzel '211 in view of Fazis '273.

Bitzel shows a cutting method with all of the recited steps (as set forth above) except the first cutting means has only one straight side, not two. However, Bitzel makes it perfectly clear that the charm of his device is its versatility, and that one should be swapping a myriad of tool shapes (lines 56,57, column 7, also line 65, column 9, also lines 38,39, column 12).

Given Bitzel's suggestion to employ a wide variety of tool shapes, it would have been obvious to one of ordinary skill in the art to have included tool shapes such as Fazi's, who teaches a rounded corner with two straight sides (figure 2a), and to have employed it in conjunction with straight edged tools, as taught by both Bitzel and Fazis, in order to effectively cut rounded corners.

In regards to claims 22 and 28, the support portion is best seen in figure 1.

5. Claims 23 and 24 are allowed. Claims 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues against the rejection under 35 USC 102, stating that Bitzel does not show three cutting tools.

Firstly, this is incorrect, on lines 38 and 39 of column 12, Bitzel makes clear that these shapes can be cut with three or more tools.

Secondly, Applicant has not claimed three tools, he has only claimed three "cutting means". A single cutter in a specific orientation and position constitutes a "first cutting means". That same single cutter in a different orientation or position would constitute a "second cutting means". Likewise, that same single cutter in yet a different orientation or position would constitute a "third cutting means". At least this interpretation could be overcome by changing "means" to --knives--. Other possibilities involve reciting that the knives have cutting edges that are non-continuous. Note that Bitzel's cutting means s3 has a cutting edge that comes full circle, and thus is cannot be said to be non-continuous.

Applicant argues against the rejection under 35 USC 103, stating again that Bitzel does not show three cutting tools.

Again, this is incorrect, as seen on lines 38 and 39 of column 12, Bitzel makes clear that these shapes can be cut with three or more tools. Worth noting is that Bitzel has at least three tools for the purpose of making "even more complex configurations" (line 39, column 12). One of ordinary skill in the art could easily conceive of most any shape being cut with these at least three knives in the fashion claimed by Applicant. Fakis only reinforces this opinion.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

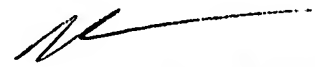
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kp



KENNETH E. PETERSON
PRIMARY EXAMINER